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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,482	08/09/2001	Joseph M. Cannon	Cannon 125-113-73	2630
74402	7590	11/17/2008		
IP Legal Services 1500 East Lancaster Avenue, Suite 200 P.O. Box 1027 Paoli, PA 19301			EXAMINER ELAHEE, MD S	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 11/17/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/924,482

**Applicant(s)**

CANNON ET AL.

**Examiner**

MD S. ELAHEE

**Art Unit**

2614

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 September 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 8-22 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/C)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-22 are pending. Group II of claims 8-22 has been elected.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 8, the phrase "said one of said plurality of wireless phones" in line 5 is indefinite. There are two different "one of a plurality of wireless phones". It is unclear which "one of said plurality of wireless phones" is being referred to by the phrase.

Claim 13 is rejected for the same reasons as discussed above with respect to claim 8. Since claims 9-12 and 14-17 are dependent claims, these claims are also rejected.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 8-10, 13-15 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosener et al. (U.S. Pub. No. 2002/0028655).

Regarding claims 8, 13 and 18, with respect to Figures 1, 4, 11 and 13, Rosener teaches a method of providing hands-free functionality to one of a plurality of wireless phones participating in a piconet network, comprising:

receiving a request for access to a repeater [i.e., wireless hands-free gateway] from one of said plurality of wireless phones (fig.1; page 10, paragraph 0120); and

Rosener further teaches providing hands-free functionality to said one of said plurality of wireless phones (fig.1; page 10, paragraph 0120).

Regarding claims 9, 14 and 19, Rosener, as applied to claims 8, 13 and 18, teaches that said piconet network is established within a car [i.e., vehicle] (page 10, paragraph 0120).

Regarding claims 10, 15 and 20, Rosener, as applied to claims 9, 14 and 20, teaches determining which of a plurality of participants in a piconet network is a current driver of a vehicle (page 11, paragraph 0138).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 11, 16 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosener et al. in view of Kinnunen (U.S. Patent No. 6,687,517).

Regarding claims 11, 16 and 21, Rosener, as applied to claims 10, 15 and 20, teaches that if said one of said plurality of wireless phones is an owner [i.e., driver] of said vehicle, providing access to said one of said plurality of wireless phones to use of said hands-free functionality (page 10, paragraphs 0120, 0135, page 11, paragraph 0138).

However, Rosener does not specifically teach denying access to any other one of said plurality of wireless phones until said one of said plurality of wireless phones has completed its

use of said hands-free functionality. Kuenzel teaches denying access to any other one of said plurality of wireless phones until said one of said plurality of wireless phones has completed its use of said hands-free functionality (col.5, line 34-col.6, line 27). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rosener to incorporate the feature of denying access to any other one of said plurality of wireless phones until said one of said plurality of wireless phones has completed its use of said hands-free functionality in Rosener's invention as taught by Kuenzel. The motivation for the modification is to do so in order to provide priority for a particular person for using the hands-free functions.

9. Claims 12, 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosener et al. in view of Kuenzel (U.S. Patent No. 4,399,330).

Regarding claims 12, 17 and 22, Rosener, as applied to claims 10, 15 and 20, teaches that providing access to said hands-free functionality to a driver of a vehicle (page 10, paragraph 0120).

However, Rosener does not specifically teach providing a highest priority for access to a driver of a vehicle. Kuenzel teaches providing a highest priority for access to an operator [i.e., driver] of a vehicle (col.5, lines 32-36). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rosener to incorporate the feature of providing a highest priority for access to a driver of a vehicle in Rosener's invention as taught by Kuenzel. The motivation for the modification is to do so in order to provide priority access to an authorized person for a particular function.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MD S. ELAHEE whose telephone number is (571)272-7536. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MD S ELAHEE/  
MD SHAFIUL ALAM ELAHEE  
Primary Examiner  
Art Unit 2614  
November 15, 2008